THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 11255 of 2001

Dated: 22-01-2007

Between:

Toddy Tappers Cooperative Society,
Khammam.

..... PETITIONER

AND

Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Secretariat, Hyderabad and 2 others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 11255 of 2001

O R D E R:

Heard both sides and perused the material on record.

This writ petition is filed questioning the order of the Deputy Commissioner of Prohibition and Excise, Warangal dated 25-04-2001 whereunder the order passed by the Prohibition and Excise Superintendent, Khammam fixing the rentals payable by the petitioner-society for the Excise year, 1990-1991 was confirmed.

Though various grounds have been raised by the learned counsel for the petitioner on merits, it is to be noted that the impugned order dated 25-04-2001 came to be passed pursuant to an order passed by a Division Bench of this Court dated 09-04-2001 in Writ Appeal No.495 of 2001 and W.P.No.5530 of 2001 dated 09-04-2001 directing the Deputy Commissioner of Prohibition and Excise to pass a reasoned order after considering the issue, whether the State had power to review its earlier orders. In the said order, dated 09-04-2001, the Division Bench made it clear that the Deputy Commissioner of Prohibition and Excise should give an opportunity of hearing to the appellant (writ petitioner herein) and pass a speaking order on all issues including the above said aspect. However, the impugned order shows that the Deputy Commissioner of Prohibition and Excise did not go into the said specific issue observing that it is not within the purview of the appeal.

In the circumstances, on the face of it the said order is not in conformity with the order of the Division Bench of this Court dated 09-04-2001. Hence, on that ground alone, the order impugned is liable to be set aside.

Accordingly, without expressing any opinion on merits, the impugned order, dated 24-05-2001, is set aside and the writ petition is disposed of with a direction to the Deputy Commissioner of Prohibition and Excise, Warangal Division to pass fresh orders in accordance with law strictly in terms of the Judgment of the Division Bench in Writ Appeal No.495 of 2001 and Writ Petition No. 5530 of 2001 dated 09-04-2001. No costs.

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G. ROHINI, J

Dated:22-01-2007
KLP